

VZCZCXRO9574  
PP RUEHBC RUEHDE RUEHDH RUEHIHL RUEHKUK  
DE RUEHGB #1496/01 1590636  
ZNY CCCCC ZZH ZDK  
P 080636Z JUN 09  
FM AMEMBASSY BAGHDAD  
TO RUEHC/SECSTATE WASHDC PRIORITY 3386  
INFO RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 001496

SIPDIS

E.O. 12958: DECL: 06/04/2019

TAGS: [PGOV](#) [PREL](#) [IZ](#)

SUBJECT: SPEAKER SAMARRAIE SAYS THAT HE CONCURS REFERENDUM  
IS NOT NECESSARY

Classified By: DCM Robert Ford for reason 1.4 (b).

¶1. (C) Summary: Ayad al-Samarraie, Speaker of the Council of Representatives (CoR), told the Ambassador and Commanding General June 4 that a referendum on the U.S.-Iraq Security Agreement (SA) was unnecessary, but doubted the CoR could pass a law nullifying the referendum requirement because of elections issues. Samarraie suggested that Prime Minister Nuri al-Maliki take action within the Council of Ministers (CoM) to address the issue. Failing that, he suggested a statement from the Presidency Council (PC) or from President Jalal Talabani that the referendum should be cancelled or postponed, and said he would raise this possibility with the PM.

¶2. (C) Samarraie also said that the Article 23 Committee was unable to provide a unified report on Kirkuk. He suggested the U.S. pressure the Kurds to permit holding Kirkuk elections with national elections using a quota system, but agreed Kirkuk should not delay the national election law. Samarraie also suggested an end to the Kurdish boycott of the Ninewa provincial council by offering higher governorate positions in exchange for Kurdish recognition of the March 2003 boundaries, followed by negotiations about Pesh presence below the green line. The Speaker expressed concerns that the recent arrests of Diyala provincial council members were based on old actions and were destabilizing security. He also said the hydrocarbons law was in the CoR and would be on the agenda soon and that an ad hoc committee had begun review of an election law. End Summary.

Referendum -- Address the issue in the CoR? . . .  
-----

¶3. (C) Discussion of the referendum on the Security Agreement opened with Samarraie's agreement that the referendum was neither necessary nor desirable. The Ambassador stressed that the U.S. would live up to its obligations on the SA because it was the basis for a longer-term relationship. Samarraie said he had received a draft referendum law the previous day, but had sent it back to committee with questions about the threshold for an acceptable turnout. He noted that the referendum could vote down the SA with a very small percentage of voters, unless there were some minimum threshold for voter turnout. He also said he was meeting with the PM later in the evening to discuss the issue. The Ambassador suggested that another law nullifying the referendum requirement could be a solution. (Note: the referendum requirement was included in the SA ratification law passed by Parliament in late 2009. End Note.) The Speaker's response was non-committal, saying he didn't know if such an action was possible in the CoR, because of upcoming elections. He also suggested a law that delayed consideration of whether a referendum was necessary for another six months -- after which it would be clear the U.S. was living up to its commitments.

. . . Or in the CoM?  
-----

14. (C) In rejecting the CoR as the locus of nullification, Samarraie asked the critical question of who would initiate the process, and noted that 90 percent of Iraqi laws were generated from the CoM. (Note: The November referendum provision, however, was generated entirely with the CoR and entirely by Vice President Hashimi and the Iraqi Islamic Party, ultimately becoming the price by which the Sunnis supported the Security Agreement. End Note.) He averred that unless the GOI took a position, any nullifying law was unlikely. He also said he must consult with the GOI, but that the government would have to participate in this process by submitting a draft law. Samarraie said the referendum was a critical issue that might be better addressed by the Council of Ministers, which could take action on behalf of the PM. Samarraie also stressed that the U.S. would have to help shape the "kind of referendum it wanted." The Ambassador stressed that it would not help the situation for the Embassy to be seen lobbying the CoR against the referendum.

. . . Or in the PC?  
-----

15. (C) As a possible solution, the CG inquired about the role of the Presidency Council (PC), and if it was possible for the PC to announce that the referendum was unnecessary. The Speaker noted that the issue was a political and electoral issue, but said everyone wanted to be practical. He suggested that Talibani might be practical, being less concerned about the election. Samarraie said he would raise the possibility of a PC-initiated action to quash the referendum with the PM, but also noted that he did not expect a clear answer from Maliki.

BAGHDAD 00001496 002 OF 003

UK SoFA  
-----

16. (C) The Ambassador urged Samarraie to facilitate approval of the UK Security Agreement, noting that the CoM had approved it. Samarraie said he had assured the British Ambassador of his cooperation, but also said he was awaiting the law. When informed that the CoM had approved the long version with the training and naval elements, and that it had been passed to the CoR, he appeared surprised. (Note: Draft laws from the CoM are conveyed directly to the Speaker via the Minister of State for Parliamentary Affairs. End Note.) The CG stressed that it was an institutional training agreement with a small UK presence of approximately 350 troops and a naval contingent. Samarraie was sanguine, and said that he expected it would pass, but that the Sadrist would campaign against it.

Kirkuk  
-----

17. (C) The Speaker raised the issue of Kirkuk and the Article 23 Committee, noting that, even after a two-month extension, the Committee had told him that a unified report was not possible. He said that he had discussed the issue with SRSG Staffan de Mistura and his deputy, Andrew Gilmour. Samarraie opined that it would be best to have an election in Kirkuk based on quotas as a temporary solution for the next four years to balance Kirkuk's representation in the CoR. Samarraie also stressed that this approach would require U.S. pressure on the Kurds to accept quotas. He noted that giving additional time to the Committee to work on a unified report would delay a Kirkuk elections law, and time was short.

18. (C) The Ambassador asked if it was possible to extend the rules from the last Kirkuk election, but Samarraie was uncertain that this would be acceptable to all groups. He offered instead to delay -- perhaps by two weeks -- any statements about the Committee's results until he, the Legal Committee and the Provinces Committee had reviewed the

different reports, and the US had time to obtain Kurdish buy-in for quotas. Samarraie agreed that the Kirkuk issue must be kept separate from debate on the national elections law.

Mosul

-----

¶9. (C) Samarraie recommended a two-step approach to addressing the situation in Mosul, where Kurdish elected officials are boycotting the provincial government. The first step is to convince the Kurds to return to the Provincial Council with leadership positions in exchange for Kurdish acknowledgement of the March 2003 administrative boundaries. This, said Samarraie, would be the basis for discussions of the second step, negotiations between the GOI and the Kurds on Kurdish military presence in the disputed areas and subsequent application of the Article 140 process. Samarraie said that he had met with Rowsh Shaways a couple of weeks prior, and that Shaways had not rejected his idea. Samarraie also said that the new IIP head, Osama Tikriti, was meeting with KRG President Masoud Barzani on June 5 to discuss this and other issues. He stressed that this approach would require a unified message supporting the plan from the U.S., the UN and the UK.

Diyala

-----

¶10. (C) Samarraie expressed strong concerns about the situation in Diyala. He said that the recent arrests of Provincial Council members there were based on old reports, prior to 2006. (Note: There was a general "amnesty" worked out between GOI and Coalition Forces for insurgent activities, except murder and terrorism, prior to 2006. End Note.) Samarraie said the arrests were disturbing a fragile security situation. Both the Ambassador and the CG assured Samarraie they were following the situation closely. QSamarraie they were following the situation closely. Samarraie seemed calmed by these assurances.

CoR Agenda Items

-----

¶11. (C) Samarraie said that the hydrocarbons law had arrived in the CoR from the cabinet and would appear on the agenda in the next two weeks. He also said that, while the parliament could begin work, it could not complete it until the cabinet sent the appendix too. He told the Ambassador that the session would break between the end of July and September 1 and confirmed that the elections law was under review by an ad hoc bloc leaders committee. He also said that he had

BAGHDAD 00001496 003 OF 003

discussed with UNAMI some concerns (lost votes, the assignment of remainder votes, etc.) resulting from the provincial elections and that the CoR was seeking UNAMI technical assistance on these issues.

Comment

-----

¶12. (C) With regard to the referendum, it should be noted that Samarraie is saying what many other Iraqis are saying: e. g. someone else - the PM, the cabinet, the Presidency Council, should solve the problem or make it go away. There appears to be unwillingness either to take the first stand, or to take any public stand, against the referendum because it is an election year. Samarraie, we learned from a USAID contractor working at the election commission, went out of his way to lobby this contractor to help the commission conduct the referendum. Thus we are not so sure Samarraie really opposes holding the referendum. We are working very quietly, behind closed doors with top leaders, to generate Iraqi action to turn this around and sidetrack the referendum idea.

